



**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Bijan S. KHIRABADI et al.

Group Art Unit: 1651

Application No.: 10/646,802

Examiner: S. SAUCIER

Filed: August 25, 2003

Docket No.: 102691.02

For: METHOD OF CRYOPRESERVATION OF TISSUES BY VITRIFICATION

**RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the January 11, 2006 Restriction and Election of Species Requirement, Applicants provisionally elect Group I, claims 1-22, and tissues, with traverse. All of claims 1-25 read on the elected species. At least claims 1-16 and 21-25 are generic.

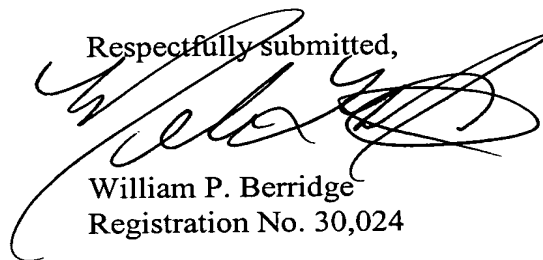
Groups I and II are related as combination and sub-combination. In particular, the methods of claims 23-25 of Group II include all of the steps of the method of claim 1 of elected Group I. As such, a thorough search for the subject matter of Group I would encompass a search for the subject matter of Group II. Thus, it is respectfully submitted that the search and examination of Group II with Group I could be made without serious burden.

It is also respectfully submitted that the subject matter of both species is sufficiently related that a thorough search for the subject matter of tissues would encompass a search for the subject matter of organs. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made

without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction and Election of Species Requirement is respectfully requested.

Respectfully submitted,



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WPB:MLM/jam

Date: February 10, 2006

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